

# In the Indiana Supreme Court

IN THE MATTER OF                    )  
LOCAL RULES                        )  
FOR COURTS OF RECORD IN        )  
TIPPECANOE COUNTY                )

## **NOTICE OF PROPOSED LOCAL RULE AMENDMENT, FINDING GOOD CAUSE TO DEVIATE FROM THE SCHEDULE FOR AMENDING LOCAL COURT RULES, REQUEST FOR SUPREME COURT APPROVAL, AND TIME FOR COMMENTS**

The Judges of the Tippecanoe Circuit and Superior Courts give Notice pursuant to Trial Rule 81 (B) finding good cause to deviate from the schedule for amending local court rules under Trial Rule 81 (D), and request Supreme Court approval to amend their existing local court rules on special judge assignments in criminal and civil cases at LR79-CR2.2-10 and LR79-TR79-11. All new text is shown by underlining and deleted text is shown by ~~striketrough~~. Supreme Court approval is required for amendments of local rules concerning special judge assignments and may not take effect until so approved.

These amendments will be posted in the county clerk's office and on the county clerk's website, if any, and on the Indiana Judicial Website, and sent to the officers of the county bar association and will be effective on **June 1, 2010**, subject to the approval of the Indiana Supreme Court.

Comments may be made until **May 28, 2010** to:

Judge Thomas H. Busch  
Tippecanoe Superior Court #2  
301 Main Street  
Lafayette, IN 47901  
TBusch@tippecanoe.in.gov

All of which is Ordered this 26th day of April, 2010 on behalf of the Courts of Record in Tippecanoe County.

\_\_\_\_\_/S/\_\_\_\_\_  
Thomas H. Busch  
Judge  
Tippecanoe Superior Court #2

## **LR79-CR 2.2-10**

### **CASE REASSIGNMENT AND SPECIAL JUDGES IN CRIMINAL CASES**

In the event a change of judge is granted pursuant to Indiana Criminal Rule 12 or it becomes necessary to assign another judge in any felony or misdemeanor proceeding, the case shall be returned to the Clerk of court for random selection of another court from among all the courts in Tippecanoe County other than Superior Court No. 3. On selection, the case shall be reassigned by the Clerk to the selected court.

In the event no judge is available for assignment or reassignment of a felony or a misdemeanor case, such case shall be certified to the Indiana Supreme Court for the appointment of a special judge. In the event the judge presiding in a felony or misdemeanor case concludes that the unique circumstances presented in such proceeding require appointment by the Indiana Supreme Court of a special judge, the presiding judge may request the Indiana Supreme Court for such appointment.

## **LR79-TR79-11**

### **SPECIAL JUDGE SELECTION IN CIVIL CASES**

**Juvenile Cases:** Each judge of the 4<sup>th</sup> District who routinely presides over juvenile cases shall maintain a list of each other such judge and, when required pursuant to Trial Rule 79 (H) to assign a special judge, shall assign a judge from said list on a rotating basis.

**All Other Civil Cases:** a) ~~Tippecanoe County~~ The ~~five~~ six (6) judges of Tippecanoe County (not having juvenile case load) shall maintain a computer generated random selection system among said ~~five~~ six (6) judges, and from among eligible judges pursuant to TR 79 (J), to be managed through the County Clerk's Office and the County Data Processing Department. Whenever a special judge needs to be assigned pursuant to Trial Rule 79 (H), the judge shall direct that a judge be selected by said random process first from the eligible judges in Tippecanoe County and then from the eligible judges from within the Administrative District.

b) ~~All other counties of the 4<sup>th</sup> Administrative District shall maintain a list of each judge from hi/her county and the contiguous 4<sup>th</sup> District counties (excluding Tippecanoe County). When appointment of a special judge is necessary pursuant to Trial Rule 79 (H), the judge shall appoint a judge from his/her list on a rotating basis.~~

If the judge selected by this Rule becomes disqualified or no judge is eligible to serve as special judge, the judge having jurisdiction of the cause shall notify the Indiana Supreme Court of the circumstances relevant thereto and request that a special judge be appointed by the Supreme Court.